

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

TAURIGA SCIENCES, INC.,	:	Civil Action No. 16-6285 (PGS)
	:	
Plaintiff,	:	
	:	
v.	:	ORDER
	:	
COWAN, GUNTESKI & COMPANY,	:	
P.A., et al.,	:	
	:	
Defendants.	:	
	:	

This matter was the subject of a telephone status conference with counsel on June 27, 2017 during which the Court addressed, among other things, the sufficiency of Plaintiff's initial disclosures with respect to its damages. Specifically, Defendants contend "that plaintiff's Initial Disclosures do not provide the specifications and degree of analysis required" by Fed. R. Civ. P 26(a)(1). *See* Defendants' letter to the Court, dated February 24, 2017, at page 3. Plaintiff responded in a letter to the Court, dated February 27, 2017, stating that "Plaintiff has itemized all out of pocket expenses and other expenses which have already been computed. The balance of Plaintiff's damages will be based upon [its expert's] computation of losses"

Defendants replied to the Court in a letter, dated February 27, 2017, arguing that Plaintiff should be required to provide "the specifics of its purported damage categories" based on information that is currently available to Plaintiff through certain public disclosures and

filings.

In addition, during the status conference, the Court addressed Defendants' contention that Plaintiff has failed to produce "various documents" that are relevant to its damages claims, documents referenced in a June 2016 press release, documents related to certain agreements, and certain e-mails. *See* Defendants' letter to the Court dated March 31, 2017.

Plaintiff responded in a letter to the Court, dated April 21, 2017, stating that many of the perceived deficiencies in Plaintiff's production relate to "information either not sought in [Defendants'] FRP or, were not in the possession, custody or control of the Plaintiff." Plaintiff's counsel reiterated this representation during the status conference with the Court on June 27, 2017.

Based upon the Court's review of the Parties' submissions, including Plaintiff's Initial Disclosures dated January 9, 2017, and having considered the arguments made by counsel during the status conference, the Court concludes: 1) that Plaintiff's Initial Disclosures with respect to its computation of damages claimed are adequate. The Court notes that all Parties have a continuing obligation to supplement or amend their disclosures and discovery responses in a timely manner as additional information becomes known; and 2) that Plaintiff must produce a sworn statement from an authorized corporate representative confirming that in response to Defendants' discovery requests it has conducted a diligent and thorough search and produced all of the responsive documents that are within its possession, custody or control. This statement must be produced no later than July 10, 2017.

In addition, the Parties are directed to submit their proposed Discovery

Confidentiality Order as well as a proposed Revised Pretrial Scheduling Order to the Court by
July 10, 2017

So Ordered,

DATED: June 28, 2017

s/ Douglas E. Arpert
DOUGLAS E. ARPert
United States Magistrate Judge